

REMARKS

Reconsideration of this application is respectfully requested. Claim 1 has been amended. The amendment is supported by the specification as filed, for example in paragraphs 0035, 0037, and 0048-0049. No new matter is added.

The provisional nature of the obviousness-type double patenting rejection is noted. If such a rejection remains proper in light of the present amendments and any amendments to the claims in pending application 10/390,064, then at the time the claims of these applications are otherwise allowable an appropriate terminal disclaimer will be submitted.

All of the presently pending claims are patentable over Rowe (U.S. Patent. 7,207,057). Rowe describes a system where web-based interfaces are provided over legacy television programming functionality such that contributors can access any functionality required to create and distribute television programming. However, Rowe neither teaches nor suggests a system such as that recited in claim 1.

For example, Rowe does not teach or suggest an operator-deployed application management system configured to optimize the iTV applications, as presently claimed. Instead, Rowe discusses a procedure for accepting and distributing interactive products that have already been created (e.g., by contributors such as OpenTV and Liberate). Rowe col. 7, ll. 15-21; col. 8, ll. 3-17, 22-27; and col. 8 l. 64 - col. 9 l. 2.

Further, while Rowe describes the creation of object-oriented television programming (col. 4, ll. 8-16 and ll. 39-44), there is no description of a system where developers can use authoring language to author application templates and application descriptors for iTV applications. In fact producers of interactive applications use “products such as Open TV, Liberate, Microsoft Front Page” to develop interactive application and NOC distributes these already created interactive applications by providing an interface over the legacy systems. Rowe at col. 7 ll.15-21. These are third party applications, not an authoring language to author application templates and application descriptors for iTV applications, as claimed.

Moreover, the “rules” discussed in Rowe, such as those that “deny access to adult programs”, are rules for television programming, not an authoring specification that describes a framework for iTV applications, as presently claimed. Likewise, playlists, as defined in Rowe “describe what tasks are required and who or what is to perform them with regard to the creation, management and distribution of ‘on-air’ programs and/or experiences”. Rowe at col. 12, ll. 52-56. These playlists and classifications of projects, media objects and participants are not an authoring specification to author application templates and application descriptors for iTV applications, as presently claimed.

On this same subject, and notwithstanding the comments in the Office Action, a network operations center, as described in Rowe, that controls creation, management, and distribution of object-oriented television programming (Rowe col. 4 ll. 8-21) should not be confused for operator-deployed application management system configured to optimize the iTV applications. Creation of playlists is quite distinct from optimization of iTV applications, as presently claimed. Nowhere does Rowe provide for the optimization of iTV applications as well as for content developers to use authoring language to author application templates and application descriptors for iTV applications in which there is separation of iTV application behavior from content and business rules. Hence, all the present claims are patentable over Rowe.

If there are any additional fees due in connection with this communication, please charge our deposit account 19-3140

Respectfully submitted,
SONNENSCHNEIN NATH & ROSENTHAL LLP

Dated: October 16, 2008

/Tarek N. Fahmi/
Tarek N. Fahmi
Reg. No. 41,402

P.O. Box 061080
Wacker Drive Station
Scars Tower
Chicago, IL 60606-1080
(650) 798-0320